IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.780 OF 2005

Sayyad Mubarak Sayyad Ismail ...Petitioner
Vs.
Madhav Pandurang Birar & Ors. ...Respondents

Mr.M.S.Mohite for the Petitioner
Mr. A.S. Gadkari, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 19TH SEPTEMBER, 2006

P.C.

1. This Petition is filed by the accused seeking quashing of C.R.No.I-10/2005 registered by Yeola Taluka Police Station for having committed offence punishable under Section 3 and 7 of the Essential Commodities Act, and further investigation.

2. It is the case of the Petitioner that he is mainly a transport operator who is engaged in transporting certain chemicals/solvants, when his truck came to be intercepted by Yeola Taluka Police, P.S.I. Yeola lodged F.I.R on 7th July, 2004.

3. The learned A.P.P has drawn our attention to the fact that the State Government has constituted special investigating team for the illegal transporting of chemicals/solvents which is found to have been used for adulteration of petrol and diesel and the present case is also assigned to the Special investigating team, the matter is under investigation.

4. In view of the fact that the matter is at the stage of investigation, it will not be proper for this Court to intervene at this stage. It is only on completion of the investigation the complicity of the Petitioner can be ascertained. Therefore, the Petition is dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)